

and inserting in lieu thereof the following: "owner or his agent."

Committee Amendment No. 2,

Amend S. B. No. 17 by adding at the end of Section 1 the following: "The provisions of this section shall not apply to the clearance and maintenance of rights of way by those engaged in the business of a Public Utility."

Committee Room,
Austin, Texas, August 3, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred Senate Concurrent Resolution No. 4, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PARRISH, Chairman.

Committee Room,
Austin, Texas, August 4, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 22, A bill to be entitled "An Act creating a closed season upon wild deer, buck, doe and fawn for a period of five years in the counties of Harrison, Marion and Panola in the State of Texas, making it unlawful for any person to hunt, trap, ensnare, kill or attempt to kill, by any means whatsoever, any wild deer, buck, doe or fawn within said counties for a period of five years, providing a penalty therefor, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

MOORE, Chairman.

S. B. No. 22. By Neal.

**A BILL
To Be Entitled**

An Act creating a closed season upon wild deer, buck, doe and fawn for a period of five years in the Counties of Harrison, Marion and Panola in the State of Texas, making it unlawful for any person to hunt, trap, ensnare, kill or attempt to kill, by any means whatsoever, any wild deer, buck, doe or fawn

within said counties for a period of five years, providing a penalty therefor, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. It shall be unlawful for any person to hunt, trap, ensnare, kill, or attempt to kill, by any means whatsoever, any wild deer, buck, doe or fawn in the Counties of Marion, Harrison and Panola in the State of Texas for a period of five years from and after the passage of this act.

Sec. 2. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and shall, upon conviction, be fined in any sum of not less than One Hundred Dollars nor more than Five Hundred Dollars, and shall forfeit his right and license to hunt with a gun in this State for a period of one year following the date of his conviction.

Sec. 3. The fact that wild deer has been practically exterminated in Harrison, Marion and Panola Counties, Texas, and that the citizens of said counties desire said counties restocked with wild deer, and the fact that the Game, Fish & Oyster Commission of the State of Texas is endeavoring to restock said counties, and has already placed a number of wild deer therein, and the fact that there is no law protecting such deer in said counties, creates an emergency requiring that the constitutional rule that bills shall be read on three several days be suspended, and the same is so suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

FIFTEENTH DAY.

(Continued.)

Senate Chamber,
Austin, Texas,

Thursday, August 6, 1931.

The Senate met at 9:30 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Point of Order.

Senator Holbrook raised the point of order that House Bill Nos. 30 and 37 did not come within the Governor's call.

The Senate voted that the bills came within the Governor's call by the following vote:

Yeas—16.

Berkeley.	Parr.
DeBerry.	Patton.
Gainer.	Poage.
Greer.	Small.
Hornsby.	Stevenson.
Moore.	Thomason.
Neal.	Woodruff.
Oneal.	Woodward.

Nays—5.

Cousins.	Purl.
Holbrook.	Woodul.
Martin.	

Absent.

Cunningham.	Pollard.
Hardin.	Rawlings.
Hopkins.	Russek.
Loy.	Williamson.
Parrish.	

Absent—Excused.

Beck.

House Bills Referred.

H. B. No. 30 referred to Committee on State Affairs.

H. B. No. 37 referred to Committee on State Affairs.

Bills Introduced.

By Senator Berkeley.

S. B. No. 37, A bill to be entitled "An Act providing for the preservation of, and preventing the destruction, mutilation and removal of, certain native plants and cacti, prehistoric bones and relics, and certain other archaeological matters as defined herein; providing the manner in which the same may be removed, mutilated, or destroyed; providing for the conservation of the soil and other natural resources; describing the territory in which this Act shall be effective; regulating the transportation of said matters, and for the carrying and exhibition of certain instruments to certain officers; prescribing offenses, fines, penalties and punishment; and applying an emergency."

POINT OF ORDER.

Senator Holbrook raised the point of order that the bill did not come within the Governor's call.

The Senate voted that the bill came within the Governor's call by the following vote:

Yeas—16.

Berkeley.	Oneal.
Gainer.	Parr.
Greer.	Poage.
Hardin.	Small.
Hornsby.	Stevenson.
Martin.	Thomason.
Moore.	Williamson.
Neal.	Woodruff.

Nays—6.

Cousins.	Purl.
Holbrook.	Woodul.
Pollard.	Woodward.

Absent.

Cunningham.	Parrish.
DeBerry.	Patton.
Hopkins.	Rawlings.
Loy.	Russek.

Absent—Excused.

Beck.

The bill was referred to the Committee on State Affairs.

By Senator Hornsby:

S. B. No. 38, A bill to be entitled "An Act to amend Chapter 172 of the Forty-first Legislature, passed at its Regular Session; to create the One Hundred and Twenty-sixth Judicial District of Texas; to fix and define the jurisdiction of the Fifty-third District Court, the Ninety-eighth District Court and the One Hundred and Twenty-sixth District Court, to fix the terms of each of said district courts, for a clerk and for a district attorney for said district courts, for continuance in office of the respective judges of the Fifty-third and Ninety-eighth District Courts, to provide for the appointment and election of a judge for the One Hundred and Twenty-sixth District Court, for appointment of court reporters by the judges of each of said courts, to continue in effect writs, process, bonds, recognizances, and orders, enacting proper provisions to continue any term of court that may be in session when this Act takes effect and to preserve grand and petit juries that may be drawn and selected when this Act takes effect, and declaring an emergency."

Read and referred to the Committee on Judicial Districts.

By Senator Neal:

S. B. No. 39, A bill to be entitled "An Act creating the 124th Judicial District to be constituted of Gregg County, Texas, only; fixing the time during which said court shall exist; providing for the terms thereof; providing that the clerk of the 71st Judicial District Court of Gregg County, Texas, shall serve as clerk of said 124th Judicial District; and providing for the duties of the District Clerk of said 124th Judicial District; and providing for the appointment of the judge thereof and his compensation; etc., and declaring an emergency."

Read and referred to the Committee on Judicial Districts.

By Senator Neal:

S. B. No. 40, A bill to be entitled "An Act amending Section 1 of Chapter 354, page 844, Acts of the Regular Session of the Forty-second Legislature, relating to the creation of the office of Criminal District Attorney in certain counties, so as to make said Act applicable to counties having a population of not less than 32,000 and not more than 75,000 inhabitants according to the last preceding Federal Census; and declaring an emergency."

Read and referred to the Committee on Judicial Districts.

By Senators Greer and Purl:

S. B. No. 41, A bill to be entitled "An Act to provide free tuition for all pupils over six years of age and not over twenty-one years of age in certain school districts; to provide for length of free term to be allowed transferred pupils; to provide for part-time schools, continuation schools, and evening schools for the purpose of the better education of adults, to define the meaning of high school grades, repealing all laws in conflict herewith, and declaring an emergency."

Read and referred to Committee on Educational Affairs.

Messages from the House.

Hall of the House of Representatives,
Austin, Texas, August 6, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolution:

H. B. No. 19, A bill to be entitled "An Act to amend Chapter 36 of the Fifth Called Session of the Forty-first Legislature, and particularly Section 11 thereof, and by adding Section 11a and Section 11b thereto, enlarging the powers and duties of the Railroad Commission of Texas with reference to conservation, transportation, storage and purchase of petroleum and its products in this State; designating as public utilities the owners, operators and managers of oil storage tanks and storage facilities for the public hire; forbidding discrimination by such public utilities; providing for a bond to be filed by such public utilities; giving to the Railroad Commission of Texas jurisdiction over rates, rules and regulations governing the storage of crude petroleum and its products by such public utilities, the character of facilities to be furnished, the forms of receipt to be issued, and the inspection, grading, measurement, deductions for waste, deterioration and delivery by such utilities; giving such utilities a lien for charges; providing for the filing and posting of monthly statements by such public utilities, and by common carriers by pipe line; vesting in the Railroad Commission of Texas jurisdiction to authorize and require common carriers by pipe line and public utilities, as defined by this act, to extend and enlarge their respective facilities under certain conditions, etc., and declaring an emergency."

H. C. R. No. 10, Expressing appreciation to the Honorable Leonard Tillotson for services rendered the State of Texas.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bill Referred.

H. B. No. 19 referred to Committee on State Affairs.

Messages from the House.

Hall of the House of Representatives,
Austin, Texas, August 6, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 1, Requesting the

members of Congress from Texas to support the Williamson-Oddie bill.

H. C. R. No. 9, Authorizing the State Game, Fish and Oyster Commission to expend certain appropriations for the reconstruction and rehabilitation of the old Travis County Court House.

H. B. No. 25, A bill to be entitled "An Act further prescribing the powers and duties of the Railroad Commission of Texas; further defining and prohibiting waste of oil and gas; amending Article 6014, Revised Civil Statutes of Texas, as amended by Chapter 313, Acts of 1929, Forty-first Legislature of the State of Texas; further defining physical waste both underground and surface, and amending Article 6008, Revised Civil Statutes of 1925 of the State of Texas, requiring gas to be confined under the circumstances and conditions therein stated; providing for notice and hearing upon orders of said commission; providing court procedure and for injunctions and appeals from said orders, and penalties for violating same; providing that if any part of this act shall be held unconstitutional, such holding shall not affect the remaining parts, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bill Referred.

H. B. No. 25 referred to Committee on State Affairs.

Advance Printing Ordered.

On motion of Senator Berkeley, advance printing of S. B. No. 37 was ordered.

Senate Bill No. 12.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Gainer:

S. B. No. 12, A bill to be entitled "An Act conserving and protecting for the use of the public buffaloes in Texas, making it unlawful for any person to kill, sell or transport the same except under certain conditions, and providing for a method of condemning the same by a State Game, Fish and Oyster Commission, in

order that buffaloes may be conserved and protected against destruction, providing the procedure therefor, and declaring an emergency."

Read second time.

The committee amendment was adopted.

Senator Small sent up the following amendment:

Amend S. B. No. 12 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. Buffalo are hereby declared to be game animals.

Sec. 2. It shall be unlawful for any person in this State to kill any buffalo except male buffalo ten years old or older, and existing stags or steers. Any person who kills any female buffalo or any male buffalo under ten years of age shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than One Hundred (\$100.00) Dollars nor more than One Thousand (\$1000.00) Dollars, or confinement in the county jail for any period not less than thirty (30) days nor more than six (6) months, or both such fine and imprisonment.

Sec. 3. It shall be unlawful for any person to sell any buffalo in this State without the written consent of the State Game, Fish & Oyster Commission of this State. The State Game, Fish & Oyster Commission is hereby granted the right, power and privilege of condemning for State use any buffalo or buffaloes in this State for the purpose of conserving and protecting the same, and to this end express authority is granted said Commission to condemn said animals in the same manner and under the same procedure now granted to counties for the condemnation of land for road purposes. The said Commission shall have power to enter into any contract it may deem advisable for the purchase, conservation and protection of buffaloes within this State, and in event the said Commission is unable to agree upon a price to be paid for such animals with the owners thereof, then said Commission may, in its discretion, resort to condemnation proceedings as herein provided. The purchase of any buffalo within this State without the consent of the State Game, Fish & Oyster Commis-

sion shall be deemed a purchase for the benefit of the State, and said animals when so purchased will be held in trust by the purchasers for the use and benefit of the State for a period of six (6) months after such purchase, and said Commission shall have the right to take over said animals upon payment to the purchaser of the true consideration he may have paid therefor.

Sec. 4. The fact that there are only a few buffaloes remaining in Texas, and the fact that there is a possibility of the same being exterminated, and the fact that it is essential to the welfare and history of Texas that they be conserved, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and this law shall go into effect and become operative from and after its passage; and it is so enacted.

SMALL.

The amendment was read.

Senator Martin raised the point of order that the bill did not come within the Governor's call.

The Senate voted that the bill came within the Governor's call by the following vote:

Yeas—19.

Berkeley.	Poage.
Cunningham.	Pollard.
Gainer.	Rawlings.
Hornsby.	Small.
Loy.	Stevenson.
Moore.	Thomason.
Neal.	Williamson.
Oneal.	Woodruff.
Parr.	Woodward.
Patton.	

Nays—4.

Cousins.	Martin.
Holbrook.	Woodul.

Present—Not Voting.

DeBerry.	Purl.
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Absent.

Greer.	Parrish.
Hardin.	Russek.
Hopkins.	

Absent—Excused.

Beck.

The amendment was adopted.

The bill was passed to engrossment by the following vote:

Yeas—17.

Berkeley.	Pollard.
Gainer.	Purl.
Hornsby.	Rawlings.
Moore.	Small.
Neal.	Stevenson.
Oneal.	Williamson.
Parr.	Woodruff.
Patton.	Woodward.
Poage.	

Nays—6.

Cousins.	Loy.
DeBerry.	Martin.
Holbrook.	Woodul.

Present—Not Voting.

Cunningham.

Absent.

Greer.	Parrish.
Hardin.	Russek.
Hopkins.	Thomason.

Absent—Excused.

Beck.

On motion of Senator Gainer the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 12 was put on its third reading and final passage, by the following vote:

Yeas—23.

Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Pollard.
DeBerry.	Rawlings.
Gainer.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Parr.	

Nays—2.

Martin.	Purl.
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Absent.

Greer.	Parrish.
Hardin.	Russek.
Hopkins.	

Absent—Excused.

Beck.

Read third time and finally passed by the following vote:

Yeas—22.

Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Small.
Hornsby.	Stevenson.
Moore.	Thomason.
Neal.	Williamson.
Oneal.	Woodruff.
Parr.	Woodward.

Nays—5.

DeBerry.	Martin.
Holbrook.	Woodul.
Loy.	

Absent.

Hopkins.	Russek.
Parrish.	

Absent—Excused.

Beck.

Senate Bill No. 16.

The question recurred upon the pending amendment to the substitute for Committee Amendment No. 1 to S. B. No. 16.

Recess.

Senator Woodruff moved to recess until 1:30 o'clock p. m.

Senator Moore moved to recess until 2 o'clock p. m. The motion prevailed and at 11:49 o'clock a. m., the Senate recessed.

After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Resolutions Referred.

H. C. R. No. 1 referred to Committee on State Affairs.

H. C. R. No. 6 referred to Committee on State Affairs.

H. C. R. No. 7 referred to Committee on State Affairs.

H. C. R. No. 9 referred to Committee on Finance.

H. C. R. No. 10.

The Chair laid before the Senate: H. C. R. No. 10, thanking Hon. Leonard Tillotson for his constructive work in civic affairs.

On motion of Senator Russek the resolution was adopted.

S. C. R. No. 8.

Senator Small sent up the following resolution:

Whereas, the provisions of Chapter Five of Title Eighty-six of the 1925 Revised Civil Statutes relating to sale of minerals other than oil and gas in public lands are still in force and effect as regards University lands but said Statutes have been repealed and are no longer in effect as regards public school lands, and

Whereas, there is no existing authority in the Land Commissioner, the Board for Lease of University Lands, or any other state agency to withhold the minerals, other than oil and natural gas, in University Lands from sale and lease, and

Whereas, under existing rules the Land Commissioner is forced to sell University lands without adequate reservation of royalty interest in minerals other than oil and gas, and with a reservation of royalty which is only one-third of the royalty interest retained in public school lands, and

Whereas, under this state of law the University is faced with loss and irreparable injury to its potash and all mineral deposits, other than oil and gas, and the public school fund is suffering loss and will suffer irreparable loss and damage through failure to develop its potash and other mineral resources, other than oil and gas, because of the unfair terms under which adjacent University lands are leased, and

Whereas, the State is faced with a grave crisis in the present situation of its potash deposits under University lands, and in order to conserve all mineral resources under University lands, other than oil and gas, the following action is imperative and immediately necessary, and provided for in the Message of the Governor in calling this extraordinary session, now therefore be it

Resolved by the Legislature of Texas that all mineral deposits, other than oil and gas, in University lands,

be and there are hereby withdrawn from sale, lease or mineral permit until such time as the Legislature may, by adequate law, provide for their orderly development.

SMALL.

Read and adopted.

Reason for Vote.

Senate Concurrent Resolution No. 8 was introduced and passed in a few minutes. During the consideration of several conservation measures I did not have time to consider and study this resolution and as it is of considerable importance and as no roll call was taken I desire to be recorded as voting "Nay."

TOM DeBERRY.

Message From the Governor.

The Chair recognized the Door-keeper, who introduced a messenger from the Governor with the following messages:

Executive Office,

Austin, Texas, August 6, 1931.

To the Members of the Forty-second Legislature:

By reason of the scores of cases now pending in the District Courts of Travis County, Texas, in which the State of Texas is a party, and by reason of the fact that our present local district courts are wholly unable to reach and dispose of these cases, I feel that Travis County is in urgent need of an additional district court.

In order to meet the emergencies existing in Travis County I hereby submit to the Legislature as an emergency matter the subject of the creation of an additional district court in and for Travis County, and hand you herewith a suggested measure which has been drawn and presented to me with the request that I submit it to your body for your action.

Respectfully submitted,

R. S. STERLING, Governor.

Executive Office,

Austin, Texas, August 6, 1931.

To the Members of the Forty-second Legislature:

Owing to the vast amount of litigation created and pending in Gregg County, Texas, by reason of the oil field development, I feel that this county is in urgent need of an additional district court, at least temporarily.

In order to meet the emergencies existing in Gregg County I hereby submit to the Legislature as an emergency matter the subject of the creation of a temporary district court in and for Gregg County, and hand you herewith a suggested measure which has been drawn and presented to me with the request that I submit it to your body for your action.

Respectfully submitted,

R. S. STERLING, Governor.

Executive Office,

Austin, Texas, August 6, 1931.

To the Members of the Forty-second Legislature:

I hand you herewith a suggested measure amending Articles 2255, Chapter 12, Title 42 of the Revised Statutes of Texas of 1925.

I understand that confusion now exists under the present law and that the attached bill, if passed, will remedy the situation.

Feeling that an emergency exists in this regard I hereby submit for your consideration the attached bill and the subject therein mentioned.

Respectfully submitted.

R. S. STERLING, Governor.

Executive Office,

Austin, Texas, August 6, 1931.

To the Members of the Forty-second Legislature:

By reason of a recent decision of the Supreme Court of Texas, on a case involving the question of free tuition of pupils in common and independent school districts, I understand thousands of boys and girls in Texas will no doubt be deprived of free tuition and schooling for the coming school year.

The attached proposed measure has been drawn with the purpose of correcting the situation, and I have been urged by many of our citizens to submit it to you for immediate attention.

Realizing the emergency which exists, and feeling that each and every boy and girl within the scholastic ages should be privileged to attend our public free schools, I hereby submit the attached proposed measure and the subject therein contained for your consideration.

Respectfully submitted,

R. S. STERLING, Governor.

House Bill No. 19.

The Chair laid before the Senate by unanimous consent the following bill:

By Mr. Daniel, Mr. Barron, Mr. Young and Mr. Wagstaff:

H. B. No. 19, A bill to be entitled "An Act to amend Chapter 36 of the Fifth Called Session of the Forty-first Legislature, and particularly Section 11 thereof, and by adding Section 11a and Section 11b thereto, enlarging the powers and duties of the Railroad Commission of Texas with reference to conservation, transportation, storage and purchase of petroleum and its products in this State; designating as public utilities the owners, operators and managers of oil storage tanks and storage facilities for the public hire; forbidding discrimination by such public utilities; providing for a bond to be filed by such public utilities; giving to the Railroad Commission of Texas jurisdiction over rates, rules and regulations governing the storage of crude petroleum and its products by such public utilities, the character of facilities to be furnished, the forms of receipts to be issued, and the inspection, grading, measurement, deductions of waste, deterioration and delivery by such utilities; giving such utilities a lien for charges; providing for the filing and posting of monthly statements by such public utilities, and by common carriers by pipe line; vesting in the Railroad Commission of Texas jurisdiction to authorize and require common carriers by pipe line and public utilities, as defined by this act, to extend and enlarge their respective facilities under certain conditions, etc., and declaring an emergency."

On motion of Senator Pollard, the rule requiring committee reports to lie over 24 hours was unanimously suspended.

The committee report that the bill be not printed was adopted.

On motion of Senator Pollard the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 19 was put on its second reading by the following vote:

Yeas—30.

Berkeley.
Cousins.

Cunningham.
DeBerry.

Gainer.	Patton.
Greer.	Poage.
Hardin.	Pollard.
Holbrook.	Purl
Hopkins.	Rawlings.
Hornsby.	Russek.
Loy.	Small.
Martin.	Stevenson.
Moore.	Thomason.
Neal.	Williamson.
Oneal.	Woodruff.
Parr.	Woodul.
Parrish.	Woodward.

Absent—Excused.

Beck.

Read second time.

Senator Pollard sent up the following amendments:

Amend House Bill No. 19 by striking out all above the enacting clause and inserting in lieu thereof the following:

A BILL**To Be Entitled**

"An Act to amend Chapter 36 of the Acts of the Fifth Called Session of the Forty-first Legislature, by reenacting the first six sections thereof, except to amend Section 6 to allow reports on or before the twentieth day of each month, and requiring reports of each commodity separately; providing a basis for pipe line rates; requiring the Railroad Commission to establish and enforce same; providing for temporary rates and reimbursement, and for single and joint line transportation; providing for general adjustments once each year; and repealing Article 6037, and forbidding abandonment of connections without authority; by adding Section 6a; re-enacting Section 8, except to amend the definition of a common purchaser of crude oil to read "one who purchases crude oil;" adding Section 8a which defines common purchasers of natural gas, and making the provisions of this Act applicable to them; by adding Section 8b directing the Railroad Commission to establish regulations for the enforcement thereof; re-enacting Sections 9, 10, and 11, except to amend Section 11 permitting one half of penalty to be recoverable by one discriminated against; adding Section 11a, providing for the forfeiture of the charter of a

domestic corporation which is also a common purchaser for violation of the provisions hereof; adding Section 11b, providing for the cancellation of a permit and permanent injunction against foreign corporations which are common purchasers for violations of the provisions hereof; adding Section 11c, providing for damage suits against common purchasers in favor of those discriminated against where damage occurs; adding Section 11d, directing the Railroad Commission to order reasonable extensions and connections to prevent discrimination; adding Section 11e, directing the Railroad Commission to request the Attorney General to bring mandatory injunctions to enforce same; adding Section 11f, providing for receivership for violation of orders finally adjusted to be valid; and providing for dissolution of receiverships and making bond, adding Section 11g, preventing discrimination in the purchase of royalty oil, preventing unreasonable delays in payment for royalty oil, and for damages for violation; adding Section 11h applying enforcement provisions of Art. 102 to this Act; adding Section 11i appropriating FIFTY THOUSAND DOLLARS (\$50,000.00) for the enforcement thereof for the year ending August 31, 1931, and FIFTY THOUSAND DOLLARS (\$50,000.00) for the enforcement hereof for the year ending August 31, 1932; and providing that no provisions of this Act shall repeal any of the Anti-Trust Laws of this State; re-enacting Sections 12, 13, and 14, of Chap. 36, and declaring an emergency."

POLLARD.

Read and adopted.

AMENDMENT.

Amend H. B. No. 19 by striking out all below the enacting clause and inserting in lieu thereof the following:

That Chapter 36 of the Acts of the Fifth Called Session of the Forty-first Legislature be amended to hereafter read as follows:

Section 1. Every person, association of persons, or corporation owning, operating or managing any crude petroleum storage tanks or storage

facilities for the public for hire, either in connection with a pipe line, pipe lines, or otherwise, is hereby declared to be a public utility, subject to the provisions of this law.

Sec. 2. No such public utility in its operations as such shall discriminate between or against its patrons in regard to facilities furnished or services rendered, or rates charged under the same or similar circumstances, in the storage of crude petroleum.

Sec. 3. All such public utilities as herein defined shall within thirty days after this Act takes effect, or in case of persons, associations or corporations, hereafter engaging in such business, before they actually engage therein, file a bond which shall not exceed Twenty-five Thousand (\$25,000.00) Dollars, properly executed, payable to the State of Texas, the amount of such bond and the sureties thereon to be subject to the approval of the Railroad Commission of the State of Texas. The amount of such bond may be changed from time to time by order of the Railroad Commission, after notice and hearing as prescribed by Article 6038, Revised Civil Statutes, in accordance with the volume of business done, or to be done, by such public utility and such bond or securities in lieu thereof as provided by Art. 836 of the Revised Civil Statutes of Texas, shall be approved by the Railroad Commission before it is filed. Such bond shall be conditioned that the utility will observe the provisions of this law and the rules of the Railroad Commission in so far as its business is regulated and controlled by such Commission, and that the utility will exercise ordinary care in the storage, preservation, handling and delivery of all petroleum products entrusted to it and shall guarantee the classification, measurements and grades made by such public utility, under its authority in conformity herewith. The bond shall be for the benefit of the patrons of such utility and their assignees as though they were named obligees therein, and they shall severally have the right of suit thereon.

Sec. 4. The Railroad Commission of Texas shall establish and enforce rules and regulations governing the character of facilities to be furnished by such utilities, the forms of receipts to be issued by them, the rates, charges and regulations for the stor-

age of crude petroleum by such public utilities in respect to their storage facilities and for the inspection, grading, measurement, deductions for waste or deterioration, the delivery of such products, and it shall also exercise such power upon petition of any person showing a substantial interest in the subject matter thereof.

Sec. 5. Any such public utility shall have a lien on the commodity in its possession to secure it in the payment of all proper storage charges against such commodity, and/or the transportation charges accrued to or paid or advanced by it, superior to all other liens thereon, except lien for taxes.

Sec. 6. Every common carrier of crude petroleum within this State as defined by law and every public utility as defined herein shall on or before the twentieth day of each calendar month file with the Railroad Commission of Texas, and post in a conspicuous place, accessible to the general public, in each of its division offices, and in its principal office in this State, a statement, duly verified, containing the following information concerning its business during the preceding calendar month:

1. How much petroleum, crude or refined, was in the actual and immediate custody of such carrier or public utility at the beginning and close of such month, and where same was located or held, including the location and designation of each tank or place of deposit, and the name of its owner.

2. How much petroleum, crude or refined, was received by such carrier or public utility during such month;

3. How much petroleum, crude or refined, was delivered by such carrier or public utility during such month;

4. What quantity of such petroleum, crude or refined, is held by it for the account of itself or parent or affiliated organizations.

5. The available empty storage owned or controlled by it and where located.

Sec. 6a. The Commission shall establish and promulgate rates of charges and regulations for gathering, transporting, loading and delivering crude petroleum by such common carriers in this State, and for the use of storage facilities neces-

sarily incident to such transportation, and prescribe and enforce rules and regulations for the government and control of such common carriers in respect to their pipe line and receiving, transferring and loading facilities. Such rates shall include both single and joint line transportation, deductions for evaporation and shrinkage, demurrage, storage, and overage, charges, and all other similar items. The basis of such rates shall be such as will provide a fair return upon the aggregate value of the property of any such carrier used or useful in the services performed after providing reasonable allowance for depreciation and other proper factors, and for reasonable operating expenses under honest, efficient and economical management, and provided further that the Commission shall have reasonable latitude in the establishment and adjustment of competitive rates.

Immediately after this Act shall become effective it shall be the duty of the Commission to hold hearings as to rates now charged and shall reset them on all existing and operating lines, in accordance with the preceding article, taking into consideration the past earnings of such carrier.

When any carrier makes application or files tariff to establish a new rate, either for a new or old line, a temporary rate may be placed into effect immediately upon filing said tariff with the Commission. If any rates shall be filed and shippers who have paid the rates so filed by the pipe line company shall have the right to reparation or reimbursement of all excess rates or transportation charges so paid over and above the rate as finally determined on all shipments after filing such complaint. When any person or persons at interest hereafter file an application for a change in a rate or rates the Commission shall call a hearing or hearings and shall immediately thereafter establish and promulgate a rate or rates in accordance with the basis herein set out. The Commission, shall on its own motion or motion of any interested person, hold a hearing or hearings when it has reason to believe that any rate or rates do not conform to the basis herein set out, said hearings or hearing to be for the purpose of adjusting, establishing and promulgating a proper

rate or rates, and said Commission shall hold a general hearing once each year for the purpose of adjusting all rates to conform to the basis of rates and charges as herein set out. Article 6037, Revised Civil Statutes, is hereby repealed.

Sec. 7. The Railroad Commission of Texas may, after hearing in a proceeding upon complaint by a party at interest, or upon its own initiative without complaint, and after notice and hearing as provided by Article 6038, Revised Civil Statutes of Texas, 1925, authorize or require by order any person, association of persons, or corporation owning or operating pipe lines in the State of Texas, which is a common carrier as defined by law, or owning, operating, or managing any crude petroleum storage tanks, or crude petroleum facilities for the public for hire, to extend or enlarge such pipe lines, or storage facilities, provided such extension or enlargement shall be found to be reasonable and required in the public interest and that the expense involved will not impair the ability of such common carrier or public utility to perform its duty to the public.

Sec. 8. Every person, association of persons or corporation who purchases crude oil or petroleum in this State, which is affiliated through stock-ownership, common control, contract, or otherwise, with a common carrier by pipe line, as defined by law, or is itself such common carrier, shall be a common purchaser of such crude petroleum and shall purchase oil offered it for purchase without discrimination in favor of one producer or person as against another in the same field, and without unjust or unreasonable discrimination as between fields in this State; the question of justice or reasonableness to be determined by the Railroad Commission, taking into consideration the production and age of wells in respective fields and all other proper factors. It shall be unlawful for any such common purchaser to discriminate between or against crude oil or petroleum of a similar kind or quality in favor of its own production, or production in which it may be directly or indirectly interested, either in whole or in part, but for the purpose of procuring the purchase of crude oil or petroleum to be marketed, such pro-

duction shall be taken in like manner as that of any other person or producer and shall be taken in the ratable proportion that such production bears to the total production offered for market in such field. The Railroad Commission of Texas shall have authority, however, to relieve any such common purchaser, after due notice and hearing, as hereinafter provided, from the duty of purchasing petroleum of inferior quality or grade.

Sec. 8a. Likewise, every person, association of persons, or corporation, who purchases natural gas and/or residue gas, and/or casinghead gas, and is likewise affiliated in any of the above described manners with a pipe line transporting gas and such gas pipe line is so constructed and/or operated as that, if it were similarly constructed and operated to transport petroleum oil, would fall within the definition of a common carrier by pipe line, as now defined by law, and/or if such pipe line by any other test or law is a common carrier, or if such purchaser is itself such pipe line company, then, in any such event, such purchaser shall be a common purchaser of gas and shall purchase gas in the same manner, under the same inhibitions against discriminations and subject to the same provisions as are hereinabove set out with respect to common purchasers of oil.

Sec. 8b. It shall be the duty of the Railroad Commission of Texas to see that the provisions of this Act are fully complied with, and it shall have the power, after notice and hearing, to make rules, regulations and orders defining the distance that extensions or gathering lines shall be made; to determine the open flow of wells and the amounts that shall be taken from each well in order to prevent the discrimination herein prohibited as between producers, and such other rules, regulations or orders as may be necessary to carry out the provisions of this Act.

Sec. 9. The Railroad Commission of Texas shall have authority to make rules and regulations for the enforcement of the provisions of this Act.

Sec. 10. Any person, association of persons or corporation, or the Attorney General of Texas on behalf of the State, may institute proceed-

ings before the Railroad Commission, or apply for a hearing before said Commission, upon any question relating to the enforcement of this Act, and jurisdiction is hereby conferred upon said Commission to hear and determine the same after the notice provided by Article 6038, Revised Civil Statutes of Texas. The Commission shall not make any order establishing, prescribing or modifying rates, rules or regulations, as herein provided, except upon like notice and hearing as provided in said Article 6038.

Sec. 11. For the violation of any provision of this Act, or for the violation of any valid rule or regulation promulgated hereunder or any order passed by the Railroad Commission in pursuance of any such provision, rule or regulation, such person, association of persons, or corporation shall be subject to a penalty of not less than One Hundred (\$100.00) Dollars nor more than One Thousand (\$1000.00) Dollars for each offense recoverable in the name of the State in any District Court in Travis County, Texas, and each day of such violation shall constitute a separate offense. One half of such penalty may be recovered by and for the use of any person, association of persons or corporation against whom there shall have been an unlawful discrimination as herein defined, such suit to be brought in the name of and for the use of the party or parties aggrieved.

Sec. 11a. For any violation of any provisions of this Act, or for the violation of any valid rule or regulation promulgated hereunder by the Railroad Commission in pursuance of such provision, by any domestic corporation, which is a common purchaser as defined herein, the charter of said corporation may be forfeited at the request of the Attorney General if, in the judgment of the court before whom the litigation is pending, said corporation is adjudged guilty of said violation. The forfeiture of the charter shall be in addition to all other penalties prescribed by law.

Sec. 11b. For any violation of any provision of this Act, or for the violation of any valid rule or regulation promulgated hereunder by the Railroad Commission in pursuance of such provision, by any foreign corporation, which is a common pur-

chaser as defined herein, the Attorney General may bring suit in the District Court of Travis County for the purpose of enjoining and forever prohibiting such corporation from doing business in this State, and if adjudged guilty by the Court before whom the action is brought, the injunction shall be granted provided said injunction shall be in addition to all other penalties.

Sec. 11c. When any person, persons, association or corporation is discriminated against by a common purchaser as defined herein in favor of the production of said common purchaser, a cause of action for damages, when such has occurred, shall against said common purchaser and said person, persons, association or corporation may bring suit for same in any court of competent jurisdiction in the county in which the damage occurred.

Sec. 11d. The Railroad Commission shall make inquiry in each field concerning the connections of the various producers and when discrimination is found to be practiced by any common purchaser as defined in this Act the said Railroad Commission shall issue an order to such common purchaser to make such reasonable extensions of their lines and such reasonable connections as will prevent such discrimination.

Sec. 11e. The Railroad Commission shall, upon information that discrimination is practiced in its purchases by any common purchaser, request the Attorney General to bring a mandatory injunction suit against said common purchaser to compel such reasonable extensions as are necessary to prevent discrimination.

Sec. 11f. Whenever any order, rule or regulation promulgated by the Commission pursuant to this Act has been finally adjudged to be valid, in whole or in part, in any suit to which the Commission is a party, and thereafter any party to the suit or other proceedings in which such matter has been so adjudged, shall violate such rule, regulation, order or judgment, or shall suffer any property owned or controlled by him to be used in violation of any such rule, regulation, order or judgment, the Commission shall have the power, and it shall be its duty, to make application to the Judge of the trial court, setting out such rules,

regulation, order or judgment and that such party, subsequent to the date of such judgment, has violated or is violating such rule, regulation, order, or judgment, and praying that a receiver be appointed as provided in this section. Thereupon the judge of such trial court may after notice, appoint a receiver of the property involved or used in violating such rule, regulation, order, or judgment, and shall fix a proper bond for such receiver. As soon as such receiver has qualified, he shall take possession of such property, and such receiver thereafter shall perform his duties as receiver of such property under the orders of said court, strictly observing such rule, regulation, order or judgment. Any party whose property has been so placed in the hands of a receiver may move to dissolve such receivership and discharge the receiver only upon showing that such party has not wilfully violated nor suffered property owned or controlled by him to be used in violating such rule, regulation, order or judgment or upon other good cause shown. In its discretion such court may, before dissolving such receivership or discharging such receiver, require the party applying for such dissolution or discharge to give bond in such amount, and payable, conditioned and approved, and for the use and benefit of the parties and to be sued on within the time, as provided, with reference to bond for injunction to be given by complaint as provided herein.

Sec. 11g. Any common purchaser of oil or gas as herein defined shall, in making purchases of royalty oil, comply with all the provisions of this Act, and shall not discriminate between royalty and/or land owners in making such purchases. Neither shall said common purchaser unreasonably delay payments to said land and/or royalty owner for said oil or gas purchased. For violation whereof, in addition to the other penalties herein set out, the land and royalty owner or owners damaged thereby shall have a cause of action against said common purchaser for damages and may file suit for same in any court of competent jurisdiction in the county where the royalty lies.

Sec. 12. Any person or party at interest aggrieved by any order of

the Railroad Commission of Texas under this Act, may have such order reviewed by proceeding in the manner prescribed by Article 6453, Revised Civil Statutes of Texas. The proceedings upon appeal shall be in like manner as prescribed by Article 6453.

Sec. 13. The invalidity of any section of this Act, or part thereof, shall not affect the remainder of said Act, and it is hereby declared that the Legislature would have passed any section or provision hereof independently of all other sections or provisions.

Sec. 14. This Act shall be construed as in addition to and cumulative of all other laws now in force and is not to be construed as any impairment of or limitation of any law now in force.

Sec. 15. The fact that Chapter 36 of the Acts of the Fifth Called Session of the Forty-first Legislature has been practically inoperative because of inadequate penalties, and that it did not include the common purchasing of natural gas and that there is existing discrimination in the purchases of both oil and gas creating chaos in the industry, constitutes an emergency and an imperative public necessity that the constitutional rule requiring all bills to be read on three several days be suspended, and the same is hereby suspended, and that this Act take effect from and after its passage, and it is so enacted.

POLLARD.

Read and adopted.

Amend Senate Committee Amendment to House Bill No. 19 by adding subdivision 6 to Section 6, as follows:

"The foregoing information shall be set out in each statement separately as to crude petroleum and each refined product thereof."

POLLARD.

Read and adopted.

Amend Section 6-A of Senate Committee amendment to House Bill No. 19 by striking out the word "or" in line 4, column 2, page 536, of the Senate Journal, and substituting therefor the word "and."

POLLARD.

Read and adopted.

Amend Section 6A of Senate Committee Amendment to House Bill No.

19 by adding a comma after the word "filed" in line 7 of the third paragraph as reported in the Senate Journal page 586, and also by striking out the word "and" in said line 7, and by striking out the words "after filing such complaint" in line 14 thereof.

POLLARD.

Read and adopted.

Amend Section 6A of Senate Committee Amendment to House Bill 19 by adding at the end thereof the following:

"No common carriers by pipe line within this State shall hereafter abandon any of its connections or lines except under authority of a permit granted by the Railroad Commission, or under written authority of the owner or operator of the wells to which the connections are made. Before granting any such permit except with the written authority of the owner or his duly authorized agent, of the wells to which connection was made, the Railroad Commission shall issue notice and have a hearing as now provided for in Section 6038 of the Revised Civil Statutes of Texas for 1925."

POLLARD.

Read and adopted.

Amend Section 8B of Senate Committee Amendment to House Bill 19 by striking out all of said section and inserting in lieu thereof the following:

"Section 8B. It shall be the duty of the Railroad Commission of Texas to see that the provisions of this act are fully complied with, and it shall have the power, after notice and hearing, to make rules, regulations and orders, defining the distance that extensions or gathering lines shall be made to all oil or gas wells; and such other rules, regulations or orders as may be necessary to carry out the provisions of this Act, and to prevent discrimination in purchase."

POLLARD.

Read and adopted.

Amend Section 11-F of Senate Committee amendment to House Bill 19 by inserting the words "and hearing" after the word "notice" in the third line from the bottom of page 588 in the Senate Journal.

POLLARD.

Read and adopted.

Amend Section 11 of Senate Committee amendment to House Bill 19 by adding section 11-H, as follows:

"Section 11-H. All the provisions of Title 102 of the Revised Civil Statutes as amended shall apply in the enforcement of this Act."

POLLARD.

Read and adopted.

Amend Section 11-C of Senate Committee amendment to House Bill 19 by adding after the word "shall" in line 7 of page 588 as printed in the Senate Journal, the word "lie".

POLLARD.

Read and adopted.

Amend Section 8-A of Senate Committee amendment to House Bill 19 by striking out all of said Section and inserting in lieu thereof the following:

"Section 8-A. That in order to further conserve the natural gas resources of this State every person, association of persons, joint stock company, limited copartnership, partnership, corporation, gas pipe line company or gas purchaser now, or hereafter, claiming or exercising the right to carry or transport natural gas by pipe line, or pipe lines, for hire, compensation or otherwise within the limits of this State, or which is now engaged or shall hereafter engaged in the business of purchasing, or taking, natural gas, or residue gas or casinghead gas shall be a common purchaser thereof, and shall purchase, or take, such gas under such rules or regulations as may be prescribed by the Commission, in the same manner, under the same inhibitions against discriminations and subject to the same provisions as are herein set out with respect to common purchasers of oil."

POLLARD.

Read and adopted.

Amend Section 11 of Senate Committee amendment to House Bill 19 by adding Section 11-i (11-i) to read as follows:

"Section 11-i. There is hereby appropriated to the Railroad Commission of Texas for its use in complying with this Act an additional sum of FIFTY THOUSAND (\$50,000.00) Dollars, or so much thereof as may be necessary, out of the money raised each year from the tax collected by

virtue of Article 6032, Revised Civil Statutes of 1925, and if the money so raised by said tax is insufficient to pay this appropriation therefrom, then the balance of this appropriation shall be paid out of the general revenue not otherwise appropriated."

POLLARD.

Read and adopted.

Senator Purl sent up the following amendment:

Amend House Bill No. 19 as amended, by adding thereto a new section to be known as "Section 8-BB" to read as follows:

"Section 8-BB. It is expressly provided that no provision of this Act shall be construed as in anywise modifying, limiting, changing, repealing, or affecting any part of the present laws of this State defining and regulating trusts, monopolies, and conspiracies in restraint of trade; and that no provision of this Act shall be construed as authorizing any agreement and/or combination of capital, skill, or acts and/or any combination or consolidation now prohibited by the anti-trust laws of this State and/or the laws of this state prohibiting trusts, monopolies, and/or conspiracies in restraint of trade; and that no provision of this Act is intended or shall be construed as authorizing any agreement, act, combination, consolidation, or otherwise, which is now prohibited under the anti-trust laws of this state and/or the laws prohibiting and defining trusts, monopolies and/or conspiracies in restraint of trade."

PURL,
WOODRUFF,
DeBERRY,
POAGE,
MOORE.

Read and adopted by the following vote:

Yeas—16.

DeBerry.	Patton.
Gainer.	Poage.
Greer.	Pollard.
Holbrook.	Purl.
Loy.	Rawlings.
Moore.	Thomason.
Neal.	Woodruff.
Oneal.	Woodward.

Nays—8.

Berkeley.	Hornsby.
Cousins.	Parr.

Small.
Stevenson.

Williamson.
Woodul.

Absent.

Cunningham.	Martin.
Hardin.	Parrish.
Hopkins.	Russek.

Absent—Excused.

Beck.

Senator Woodruff sent up the following amendment:

Amend substitute H. B. No. 19, by inserting therein, immediately following Section 11, a section numbered Section 11-I, reading as follows, to-wit:

"Section 11-I. Nothing contained in this Act shall authorize the Commission to limit, fix or adjust the amount of the production of crude petroleum oil or natural gas within this State, or from any pool or area within the State, for the purpose of balancing the amount of such production with the current demand or market demand for such oil or gas, or for the purpose of balancing or allocating the market outlet as between pools."

WOODRUFF,
PURL.

Read and adopted.

Senator Woodward sent up the following amendments:

Amendment to Senate Substitute to H. B. No. 19.

Amend Committee Substitute Senate Bill No. 18 as printed in the Senate Journal of August 4th, 1931, by adding after Section 8b Section 8c reading as follows: "Section 8c. No person, association of persons or corporation, whether a common carrier or otherwise, shall be permitted to transport crude oil or petroleum in this State unless such crude oil or petroleum has been produced and/or purchased in accordance with the laws of the State of Texas and/or any order, rule or regulation of the Railroad Commission made in pursuance thereof."

WOODWARD.

Read and adopted.

Amendment to Senate Substitute to H. B. No. 19.

Amend Section 8 of the Committee Substitute Senate Bill No. 18 as printed in the Senate Journal of August 4th, 1931, by inserting in

line 9 of said Section 8 as so printed between the words "carrier" and "shall" the following clause: "or any and all other persons, associations of persons or corporations operating any pipe line which may now or hereafter purchase crude oil or petroleum in this State, whether they be common carriers or affiliated with common carriers or not."

WOODWARD.

Read and adopted.

The bill as amended was passed to third reading.

On motion of Senator Pollard, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 19 was put on its third reading and final passage, by the following vote:

Yeas—30.

Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Beck.

Read third time and finally passed by the following vote:

Yeas—27.

Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Pollard.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Parr.	

Nays—1.

Holbrook.

Absent.

Hopkins.

Parrish.

Absent—Excused.

Beck.

Senate Bill No. 16.

The question recurred upon the pending amendment to the substitute for Committee Amendment No. 1 to S. B. No. 16.

Adjournment.

Senator Hopkins moved to adjourn until 9:30 o'clock tomorrow morning. Senator Williamson moved to recess until 7:30 o'clock tonight.

The motion to adjourn until tomorrow morning prevailed by the following vote:

Yeas—18.

Berkeley.	Parr.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Purl.
Holbrook.	Rawlings.
Hopkins.	Russek.
Hornsby.	Small.
Loy.	Stevenson.
Martin.	Thomason.

Nays—9.

Cousins.	Williamson.
Greer.	Woodruff.
Moore.	Woodul.
Oneal.	Woodward.
Poage.	

Absent.

Hardin.
Neal.

Parrish.

Absent—Excused.

Beck.

At 5:15 o'clock p. m., the Senate adjourned.

APPENDIX.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, August 6, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 12

carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Reports.

Committee Room,

Austin, Texas, August 6, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 19, A bill to be entitled "An Act to amend Chapter 36 of the Acts of the Fifth Called Session of the Forty-first Legislature of Texas by adding thereto Sections 6-a, and 8-a, 8b, 8c, 8d, 8e, 8f, 8g, 8h, 8i, 8j, 8k, 8l, 8m, 8n, and 8-o, requiring that monthly pipe line statements shall contain data separately as to crude oil and each refined product; by defining common purchasers of gas and making the provisions hereof and of said Act applicable to them; requiring the Railroad Commission of Texas to make rules and regulations for the enforcement of said Act and hereof; providing a basis for pipe line rates, and requiring said Commission to fix and enforce such rates, providing for notice, hearing and proceedings for review of all orders issued by the Commission hereunder, and for injunctions and other legal proceedings; providing for penalties and their recovery; appropriating funds for the enforcement hereof; declaring each part hereof independent of every other part so that partial invalidity shall not affect valid parts and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments and be not printed.

MOORE, Chairman.

Committee Room,

Austin, Texas, August 6, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 37, A bill to be entitled "An Act providing for the preservation of, and preventing the destruction, mutilation and removal of, certain native plants and cacti, prehistoric bones and relics, and certain other archaeological matters as de-

fined herein; providing the manner in which the same may be removed, mutilated, or destroyed; providing for the conservation of the soil and other natural resources; describing the territory in which this Act shall be effective; regulating the transportation of said matters, and for the carrying and exhibition of certain instruments to certain officers; prescribing offenses, fines, penalties and punishment; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed in lieu of advanced printing.

MOORE, Chairman.

Committee Room,

Austin, Texas, August 6, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 27, A bill to be entitled "An Act to conserve water supplies and prevent the pollution of sources of domestic water supplies for cities, towns, and villages; prescribing a penalty and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MOORE, Chairman.

Committee Room,

Austin, Texas, August 6, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 30, A bill to be entitled "An Act creating a closed season upon wild deer, buck, doe and fawn for a period of five years in the Counties of Harrison, Marion, Red River, Cass, Bowie, Morris, Lamar, Camp, Titus, and Upshur in the State of Texas, making it unlawful for any person to hunt, trap, ensnare, kill, or attempt to kill, by any means whatsoever, any wild deer, buck, doe, fawn or wild turkey within said counties for a period of five years, providing a penalty therefor, and declaring an emergency."

Have had the same under consideration, and I am instructed to

report it back to the Senate with the recommendation that it do pass.

MOORE, Chairman.

Committee Room,

Austin, Texas, August 6, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 37, A bill to be entitled "An Act amending House Bill No. 943, passed at the Regular Session of the Forty-second Legislature of the State of Texas, being Chapter 159, page 311 of the Special Laws of the State of Texas; repealing all laws in conflict with said Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MOORE, Chairman.

Committee Room,

Austin, Texas, August 5, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 3, A bill to be entitled "An Act amending Title 126, Revised Civil Statutes of 1925, by adding thereto Article 7445-A, making compulsory the personal attendance of out-of-county witnesses in suits involving violations of conservation laws and of laws prohibiting trusts, monopolies or combinations in restraint of trade; providing for the manner of application for and issuance of subpoenas; providing that any witness failing to appear in obedience to subpoena may be punished for contempt; providing that parties to such suit shall tender the traveling expenses of such witnesses, where their place of residence is outside the county where such suit is pending; providing for the manner of payment of such witness' costs in case the State requests their personal attendance; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, August 6, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 39, A bill to be entitled "An Act creating the 124th Judicial District to be constituted of Gregg County, Texas, only; fixing the time during which said court shall exist; providing for the terms thereof; providing that the clerk of the 71st Judicial District Court of Gregg County, Texas, shall serve as clerk of said 124th Judicial District; and providing for the duties of the district clerk of said 124th Judicial District; and providing for the appointment of the Judge thereof and his compensation; providing for the transfer of cases from the 71st Judicial District Court of Gregg County to said 124th Judicial District Court and from said 124th Judicial District Court to the 71st Judicial District Court of Gregg County; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PATTON, Chairman.

Committee Room,

Austin, Texas, August 6, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 25, A bill to be entitled "An Act further prescribing the powers and duties of the Railroad Commission of Texas; further defining and prohibiting waste of oil and gas; amending Article 6014, Revised Civil Statutes of Texas, as amended by Chapter 313, Acts of 1929, Forty-first Legislature of the State of Texas; further defining physical waste of oil and gas, both underground and surface; amending Article 6008, Revised Civil Statutes of 1925, of the State of Texas, requiring gas from gas wells to be confined under the circumstances and conditions therein stated; providing that said Commission shall inquire into the production, storage or transportation of oil and gas and shall prohibit the waste thereof; providing for notice and hearing and for the making

of rules, regulations and orders to prevent waste, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

MOORE, Chairman.

By Wagstaff, et al. H. B. No. 25.

A BILL

To Be Entitled

An Act further prescribing the powers and duties of the Railroad Commission of Texas; further defining and prohibiting waste of oil and gas; amending Article 6014, Revised Civil Statutes of Texas, as amended by Chapter 313, Acts of 1929, 41st Legislature of the State of Texas; further defining physical waste of oil and gas, both underground and surface; amending Article 6008, Revised Civil Statutes of 1925, of the State of Texas, requiring gas from gas wells to be confined under the circumstances and conditions therein; providing that said Commission shall inquire into the production, storage, or transportation of oil and gas and shall prohibit the waste thereof; providing for notice and hearing and for the making of rules, regulations and orders to prevent waste; authorizing the regulation or adjustment of the production of oil and gas from wells or pools, in order to prevent waste, authorizing the distribution, proration and allocation of such production or adjustment; prohibiting the transportation of oil in excess of the amount of such allowable production and authorizing double damages therefor; providing for the ratable taking of oil from pools or wells under conditions therein stated so as to prevent the inequitable or unfair taking from a common source of supply; providing for the extension of pipe lines under conditions herein set forth and the equitable taking of oil by a common purchaser or common carrier; giving refineries located in the State prior rights to allocation of oil from any pool before making allocation to purchasers of oil to be transported out of the State; providing Court procedure for hearings before the Commission and for appeals from the orders, rules, and regulations of said Commission; providing for injunctions and ap-

peals from said orders and the penalties for violating same; authorizing the Commission to enjoin violations of its rules, regulations, and orders; providing for receiverships under certain conditions herein set forth for violation of the Commission's orders; providing that this Act shall be cumulative of all laws not inconsistent herewith relative to crude petroleum oil, and natural gas; providing that if any part of this Act be held unconstitutional, such holding shall not affect the remainder of this Act; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The production, storage or transportation of crude petroleum oil of natural gas, in such manner, in such amount or under such conditions as to constitute waste as hereinafter defined, is hereby declared to be unlawful and is prohibited.

Sec. 2. Article 6014 of the Revised Civil Statutes of the State of Texas, of 1925, as amended by Chapter 313, Acts of the Regular Session of the 41st Legislature of 1929 of the State of Texas, is hereby amended so that said Article will hereafter read as follows, to-wit:

Article 6014. Neither natural gas nor crude petroleum shall be produced, transported, stored or used in such manner or under such conditions as to constitute waste; provided, however, no part of this Act shall ever be construed to permit consideration to be given to market demand, and provided further that no part of this Act shall ever be construed to prevent storage of oil except for the prevention of physical waste thereof. As used herein, in addition to its ordinary meanings, the term "waste" shall include: (a) Waste as defined or described in the Statutes of this State relating to crude petroleum oil or natural gas, so far as such definitions or descriptions are not inconsistent herewith; (b) Waste incident to or resulting from so drilling, equipping, locating, spacing, or operating wells as to reduce, or tend to reduce, the ultimate total recovery of crude petroleum oil or natural gas from any pool or area; (c) waste incident to or resulting from the unnecessary, inefficient, excessive, or improper use of the gas, gas energy or water drive in any well, pool, or area, however, it is not the intent of this Act to re-

quire repressuring of an oil pool, or that the separately owned properties in any pool or area be unitized under one management, control or ownership; (d) surface waste, including unnecessary or excessive surface losses or destruction of crude petroleum oil or natural gas without beneficial use; (e) underground waste, including waste incident to or resulting from any act of omission which reduces, or tends to reduce, the ultimate total recovery of crude petroleum or natural gas from any pool or area; (f) waste incident to, or resulting from causing or permitting crude petroleum oil or natural gas to create or produce unnecessary fire hazards; (g) waste incident to or resulting from any act or omission in violation of any lawful rule, regulation or order of the Railroad Commission of Texas or of any order or judgment of any Court of competent jurisdiction pertaining to the conservation of crude petroleum oil or natural gas, based upon the definition of waste heretofore set out, included in the definition of waste as hereinabove defined or described to be cumulative of and not contrary to the above or (h) permitting the escape into open air of natural gas except as may be necessary in the drilling or operation of a well; (i) drowning with water of any stratum capable of producing oil or gas or both oil and gas in paying quantities (j) underground waste (k) any natural gas well to wastefully burn (l) the wasteful utilization of natural gas. The term party as used in this Act shall include all persons, firms, associations, corporations, trustees and receivers. Article 6014 of the Revised Civil Statutes of Texas, of 1925, as heretofore amended, is hereby repealed. It is not the intent of this Act to prohibit the storage of crude petroleum oil, hereafter produced in the absence of, or as permitted by any rule, regulation, or order of the Commission, or as permitted by the final judgment of any court of competent jurisdiction, nor to prohibit the continuance in storage of oil heretofore produced, except, in both cases where the manner or method of such storage shall be in violation of this Act.

Sec. 3. Article 6008 of the Revised Civil Statutes of Texas of 1925 is hereby amended so as said Article will hereafter read as follows, to-wit:

Article 6008. Any party or person in possession either as owner, lessee,

agent, trustee, receiver, or manager, or any person, co-partnership, or corporation, of any well producing natural gas only, in order to prevent said gas from wasting by escape shall, within ten (10) days after encountering such gas in commercial quantities, confine said gas in said well until said gas shall be utilized for light or fuel; provided, however, the Commission may permit the use of such gas for the purpose of being introduced into an oil or gas bearing stratum in order to maintain or increase the rock pressure, or otherwise increase the ultimate recovery of oil or gas from such stratum and for any other purpose which, under circumstances surrounding each particular case, might be found by the Commission to be practical and conducive to the public welfare. Any person violating the provisions of this Article shall be liable to a penalty of One Thousand Dollars (\$1,000.00) for each offense to be recovered, with the costs of suit in a civil action in the name of the State of Texas, in the county in which the Act shall be committed or omitted and each day any such violation continues, shall be a separate offense, and for which the party in violation shall be held liable for the penalty herein prescribed.

Sec. 4. The Commission shall have power, and it shall be its duty, from time to time, to inquire into the production, storage or transportation of crude petroleum oil, and of natural gas in order to determine whether or not waste, as hereinbefore defined, exists. The Commission shall have the right to require any party to make and file with the Commission sworn statements as to the facts within the knowledge or possession of such party pertaining to the production, storage or transportation of crude petroleum oil or of natural gas, as often and for such periods as the Commission may specify, to be inspected or gauged and the books and records of any party to be examined.

Sec. 5. Upon the initiative of the Commission or upon the verified complaint of any party producing, storing or transporting crude petroleum oil or natural gas in this State that waste of crude petroleum oil or natural gas is taking place in this State, or is reasonably imminent, the Commission may hold a hearing, at such time and place as it may fix, to determine whether or not waste is taking place,

or is reasonably imminent, and what, if any, rule, regulation, or order should be made, or what, if any, other action should be taken to correct, prevent, or lessen such waste. Notice of such hearing shall be given by the Commission, as provided by law. At said hearing all parties interested shall be entitled to be heard and introduce evidence and to require the attendance of witnesses and the production of evidence may be required as provided by law. If upon the hearing the Commission shall find that waste is taking place, or is reasonably imminent, the Commission shall make such rule, regulation, or order as in its judgment is reasonably required to correct, lessen, or prevent such waste; and if such rule, regulation, or order as the Commission may adopt shall require any reduction or adjustment in the production of crude petroleum oil or natural gas from any wells and/or pools in this State, the Commission shall determine how to accomplish such reduction or adjustment and shall order such reduction or adjustment, and shall distribute, pro rate, or otherwise apportion or allocate such reduction or adjustment as in its judgment the facts justly and equitably require. Such reduction or adjustment so determined for each well and/or pool shall be apportioned ratably among all producers in such pool. Any properties, wells, pools, areas, or districts within this State may be described or referred to by the Commission in any such proceedings, rules, regulations, or orders in general terms, or by using commonly known names or descriptions of same, or otherwise generally or specifically identifying same. Provided, that nothing in this Act shall be construed as granting to the Commission any power or authority to restrict, or in any manner limit, the drilling of wells for the purpose of exploring for oil and/or gas in territory not known to produce either oil or gas. After such hearing and the promulgation of any rule, regulation, or order, all parties within the scope of this Act shall, without further notice, be bound by, and shall comply with, such rule, regulation, or order. The Commission may, after notice and hearing, from time to time, amend, change, revoke, suspend, extend, or renew any such rule, regulation, or order as the facts may justly and equitably require to correct, prevent,

or lessen waste actually taking place or reasonably imminent.

If and when an order of the Commission shall be made fixing the amount of allowable production from any oil producing property within the State, and notice thereof shall have been given as hereinbefore provided, no crude petroleum oil produced in violation of such order shall be removed by any third person, firm, or corporation from the property where the same was produced, and the Commission shall have power to enjoin the transportation of such oil.

Any person, firm, or corporation, pipe line carrier or other purchaser or carrier of crude oil who shall receive or purchase or take into its or their possession any oil produced in violation of the provisions of this Act shall be liable in damages to any person, firm, or corporation injured by such unlawful taking in double the amount of actual damages sustained or accruing thereby.

Sec. 5-a. That whenever the full production from any common source of supply of crude petroleum in this State can only be obtained under conditions constituting waste as herein defined, then any operator, having the right to drill into and produce oil from any such common source of supply, may take therefrom only such proportion of all crude oil that may be produced therefrom without waste, as the potential production of the well or wells of any such operator bears to the total potential production of such common source of supply, having due regard to the acreage drained by each well. Any purchaser of crude petroleum from any such common source of supply covered by this section shall be bound by the provisions hereof; and, where ratable taking shall be imposed under the conditions of this section, the production of crude petroleum owned or controlled either directly or indirectly by any such purchaser, shall be subject to the order for ratable taking, in the same manner and to the same extent as the production of any operator owning producing properties in said common source of supply. The Commission is hereby authorized to so regulate the taking of crude petroleum from any or all of the common source of supply of this State as to prevent the inequitable or unfair taking from a common source of supply by any person, firm, or corporation.

Sec. 5-b. No producer or purchaser who operates a pipe line, or who transports oil through a common carrier pipe line or by railroad tank cars in this State, nor a common carrier pipe line which does not purchase oil but who transports oil for hire, shall purchase, take, or transport a greater percentage of oil from his or its own lease or from the seller or shipper from any lease than the available market offered the lessor or lessee on any other lease in the same pool; acreage and potential (or allowable in case of proration) are to be considered in arriving at the respective percentage of oil taken and oil for which there is an available market.

Sec. 5-c. Any oil operator in this State who is not producing and selling his percentage allowed under orders of the Railroad Commission, and who has no market for said allowable production, may extend a pipe line from his lease or producing tract of land to the pipe line of any purchaser or common carrier of oil operating in this State and said purchaser or common carrier of oil shall permit said connecting line so constructed to be tied into the pipe line or common carrier of oil of any said purchaser, and in the event the said purchaser or common carrier is unable or unwilling to equalize the outlet for such operator by purchasing from said producer, who so constructed said tying line, an amount of oil sufficient to bring the sold percentage of the allowable of said producer up to the point where said sold percentage of the allowable of said producer equals the sold percentage of the allowable of any other producer whose oil, or oil produced by such other producer though sold to another, is transported by said common carrier pipe line, then in that event said common carrier or purchaser shall reduce the amount of oil purchased, taken and/or transported by it so that the percentage of the allowable of any producer's production carried or transported by it shall not exceed the percentage of the allowable of said producer constructing said tying line for which said tying producer has a market.

Sec. 5-d. During any period that the Commission shall, by rule, regulation, or order, require a reduction in or a proration of the production of any pool or area it shall, in making its allocations of oil to purchasers,

first meet the requirements and bona fide offers to purchase with available transportation facilities, price offered being equal, of refineries located in the State before making allocations to purchasers of oil to be transported out of the State.

Sec. 6. If any party having an interest in any property directly affected by any rule, regulation, or order promulgated by the Commission pursuant to this Act, or, if any party whose conduct is regulated, affected or modified by any such rule, regulation, or order, be dissatisfied, with the same, such party may file suit in a Court of competent jurisdiction in Travis County, Texas, but not elsewhere, against the Commission and all other proper parties, if any, as defendants, setting forth in his petition his grounds of objection to such rule, regulation, or order and praying for such relief as such party may deem proper. Such suit shall have precedence over all other suits, causes, or proceedings of a different nature on the docket of said Court and shall be tried and determined as other civil suits in said Court. At any time on or after return date or at any time after ten (10) days from completion of service of process, or after answer is filed, on the request of any party to such suit, or on the Court's own initiative, and without other notice, the Court shall set said suit for trial on such day as the Court may fix, not later than ten (10) days thereafter; and on the date fixed such suit shall be begun unless such suit is postponed by the Court for reasons deemed imperative by the Court, which reasons shall be certified in writing by the Court and filed with the papers in the case. If the trial be so postponed, the postponement shall be for a day fixed not more than ten (10) days away, and if the suit is not then tried, its postponement, if any, shall be handled in the same manner as the first postponement, except that the date then fixed for the trial shall be not more than five (5) days away. In all trials under this section of this Act the burden of proof shall be upon the party complaining of such rule, regulation, or order. In all suits or other legal proceedings under this Act in which the validity of any rule, regulation, or order of the Commission may be brought in question, the said rule, regulation, or order of the Commis-

sion shall, prima facie, be deemed valid until shown to be invalid, and must be obeyed.

Sec. 7. In any suit brought against the Commission under this section, unless and until the Commission be enjoined and bond given, as hereinafter in this section provided, the Commission shall be entitled, on motion filed in such suit, to an injunction to require complainant to obey such rule, regulation, or order pendente lite, and it shall be the duty of the Commission to apply for such injunction. Such injunction shall continue in effect unless and until complainant shall obtain injunction and make bond, as hereinafter in this section provided. No temporary restraining order nor temporary injunction against the Commission, its officers or agents, or against the enforcement of any rule, regulation, or order made by the Commission, shall ever be granted, or ordered by any court, except after reasonable notice to the Commission and a hearing at which it shall be clearly shown to the court that the rule, regulation, or order is invalid and that, if enforced against the complaining party it will cause such party irreparable damage. The nature and extent of such invalidity and damage must be established by evidence, unless apparent of record, and must be recited in the order. Before any such restraining order or temporary injunction shall take effect, the complainant must make bond with good and sufficient sureties in an amount to be fixed by the Court, sufficient reasonably to indemnify all persons who may suffer damage by reason of the violation, by such complainant, of the rule, regulation, or order complained of. In determining the amount of such bond, the Judge shall take into consideration all of the facts and circumstances surrounding the parties which he may deem necessary to determine the reasonableness of the amount of such bond and any bond so executed, if made by any bonding or surety company, shall be by some company authorized to do business in Texas. Such bond shall be made payable to, and be approved by, the Judge of said Court and shall be for the use and benefit of, and may be sued on, by all persons who may suffer damage by reason of the violation by such complaining party of the rule, regulation, or order complained of, and who may bring suit thereon

before the expiration of six (6) months after the rule, regulation, or order complained of shall be finally held to be valid in whole or in part, or such suit against the Commission be finally disposed of, and such bond shall be so conditioned. From time to time on motion the Court may increase or decrease the amount of such bond, and may require new or additional sureties as the facts may warrant or justify. If, on the trial of such suit, on its merits, the rule, regulation, or order complained of be upheld in the trial Court, in whole or in part, the judgment or decree of that court shall itself, without more, constitute an injunction restraining the complainant from violating such rule, regulation, or order or so much thereof as shall have been so held valid, and a dissolution of all temporary restraining orders or temporary injunctions theretofore granted in such suit, if any, which are inconsistent with such judgment or decree and such effects of said judgment or decree shall not be stayed by any appeal, unless a supersedeas bond be filed, payable and conditioned as the injunction bond heretofore described in this section, until on appeal such judgment or decree of the trial Court be finally reversed, and then only to the extent that such reversal shall modify or annul the judgment or decree of the trial court.

Sec. 8. Either party to said suit has the right of appeal from the final judgment therein and said appeal shall at once be returnable to the appellate Court and said action so appealed shall have precedence in said appellate Court over all cases proceedings and causes of a different character therein pending. In the Court of Civil Appeals such Court shall immediately and at as early a date as possible decide the questions involved herein; and in the event any question or questions shall be certified to the Supreme Court, or writ of error thereto be requested or granted, it is here made the duty of the Supreme Court to immediately set down said cause for hearing and decide the cause at as early a date as possible, and such cause shall have precedence over all other cases, proceedings and causes of a different character in such Court. Section 6 of Chapter 313 of the Acts of the 41st Legislature at its Regular Session and all other laws and parts of laws in conflict with the

provisions of this section are hereby repealed.

Sec. 9. Whenever it shall appear that any party engaged in the production, storage or transportation of crude petroleum oil or natural gas is violating any statute of this State or any rule, regulation, or order of the Commission promulgated to correct, prevent, or lessen the waste of crude petroleum oil or natural gas, the Commission may bring suit against such party in any court of competent jurisdiction in Travis County, Texas, or in the county of the residence of the defendants or any of them, or in the county in which such violation is alleged to have occurred, but not elsewhere, to restrain such party from violating such rule, regulation, or order, or any part thereof, and in such suit the Commission may obtain such preliminary restraining order or temporary or final injunction as the facts may warrant. Such remedies shall be cumulative of all other remedies, penalties, and damages. All provisions herein for speeding the hearing and trial of suits brought under Section 6 hereof and the appeal of such suits shall apply to suits brought under this section.

Sec. 10. Whenever any order, rule, or regulation promulgated by the Commission has been finally adjudged to be valid, in whole or in part, in any suit to which the Commission is a party, and thereafter any party to the suit or other proceedings in which such matter has been so adjudged, shall violate such rule, regulation, order, or judgment, or shall suffer any property owned or controlled by him to be used in violation of any such rule, regulation, order, or judgment, the Commission shall have the power, and it shall be its duty, to make application to the Judge of the trial court in which said case was tried, setting out such rule, regulation, order, or judgment, and that such party, subsequent to the date of such judgment, has violated, or is violating such rule, regulation, order, or judgment, and praying that a receiver be appointed as provided in this section. Thereupon the judge of such trial court may, after notice and hearing, appoint a receiver of the property involved or used in violating such rule, regulation, order, or judgment, and shall fix a proper bond for such receiver. As soon as such receiver has qualified, he shall take pos-

session of such property, and such receiver thereafter shall perform his duties as receiver of such property under the orders of said court, strictly observing such rule, regulation, order, or judgment. Any party whose property has been so placed in the hands of a receiver may move to dissolve such receivership, and the Court upon notice and hearing may dissolve such receivership for good and equitable grounds and the showing by the owner that he is ready, able, and willing to obey the order and judgment of the court for the violation of which such receiver was appointed; and in its discretion such Court may, before dissolving such receivership, or discharging such receiver, require the party applying for such dissolution or discharge to give bond in such amount, and payable, conditioned and approved, and for the use and benefit of the parties and to be sued on within the time, as provided with reference to bond for injunction to be given by complainant under Section 6 of this Act.

Sec. 11. If any party shall produce from any property crude petroleum oil or natural gas in excess of the amounts allowable to such property under any rule, regulations, or order of the Commission before any such rule, regulation, or order be held finally to be valid and enforceable, in whole or in part, such party, and all successors in interest to such party when any such rule, regulation, or order is held to be valid or enforceable in whole or in part shall, in the manner and for the time to be prescribed by the Commission, reduce the further production of crude petroleum oil and natural gas from such property in such amount and for such time, that the amount of the reduction will equal the amount theretofore taken in excess of the allowable amount; provided, however, the Commission shall issue its orders fixing the amount and time of such reduction only after notice, which reduction shall be so ordered as not to produce waste. Any party dissatisfied with such order may sue for its annulment or revision under the procedure defined in Section 6 hereof.

Sec. 12. Nothing herein contained or authorized, and no suit by or against the Commission, and no penalties imposed upon or claimed against any party violating any statute of this State, or any rule, regulation, or

order of the Commission, shall impair or abridge or delay any cause of action for damages, or other relief, any owner of any land or any producer of crude petroleum oil or natural gas, or any other party at interest, may have or assert against any party violating any rule, regulation, or order of the Commission, or any judgment herein mentioned. Any party owning any interest in any property or production which may be damaged by any other party violating this Act or any other statute of this State prohibiting waste or violating any valid rule, regulation, or order of the Commission, may sue for and recover such damages and have such other relief as he may be entitled to in law or in equity. Proof of the issuance of the order, rule, etc., and of its violation shall establish prima facie plaintiff's right to damages, the amount thereof to be established by competent proof.

Sec. 13. The fact that any party owning or operating any property producing crude petroleum oil or natural gas is not so operating such property as to produce waste, prohibited by this Act, if such property alone were considered, shall not justify such party in violating any rule, regulation, order, or judgment regulating or affecting, not only such property but all other property.

Sec. 14. The purchase, transportation or handling of crude petroleum oil or natural gas produced from any property in excess of the amount allowed by any statute or any rule, regulation, or order of the Commission is hereby prohibited.

Sec. 15. Nothing in this Act contained shall be construed to relieve any party from the duties and obligations imposed by Chapter 36, page 171, of the Acts of the 41st Legislature at its 5th Called Session, commonly known as the Common Purchaser Law. Nothing in this Act contained shall modify or change in any way the terms and provisions of Senate Bill No. 337, passed by the 42nd Legislature at its Regular Session, commonly known as the Marginal Well Bill.

Sec. 16. This Act shall be cumulative of all laws of the State of Texas not inconsistent herewith, relative to crude petroleum oil and natural gas.

Sec. 17. If any of the sections, clauses or any provisions of this Act or of any other Act referred to by this Act shall be held to be unconstitutional, or otherwise invalid or unenforce-

able, such holding shall not have the effect of nullifying or in anywise affecting the remainder of this Act and the parts of this Act not so held to be unconstitutional or invalid shall remain in full force and effect.

Sec. 18. The term Commission as used herein shall mean the Railroad Commission of Texas, but in the event a Conservation Commission shall be created by the 1st Called Session of the 42nd Legislature, the powers and duties herein set forth shall be exercised by and transferred to the Conservation Commission, from and after the date said Act becomes effective.

Sec. 19. This Act shall not amend, repeal, change, alter, or affect in any manner the anti-trust laws of this State.

Sec. 20. The fact that the present laws for the prevention of waste of the natural resources of Texas are inadequate, and that the State of Texas, in its endeavor to prevent waste of such natural resources, is being hindered by suits questioning its powers and duties with respect to such matters, create an emergency and an imperative public necessity that the Constitutional Rule which requires bills to be read on three several days be suspended, and that this Act shall so take effect and be in force from and after its passage, and it is hereby so enacted.

SIXTEENTH DAY.

Senate Chamber,
Austin, Texas,
August 7, 1931.

The Senate met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	ONeal.
DeBerry.	Parr.
Gainer.	Parrish.
Greer.	Patton.
Hardin.	Poage.
Holbrook.	Pollard.
Hopkins.	Purl.
Hornsby.	Rawlings.
Loy.	Russek.
Martin.	Small.